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Election
S. Buyer
9/15/03

Art Unit: 3738

Examiner: David J. Isabella

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Applicant hereby responds to the Office Action dated July 2, 2003.

In response to the restriction requirement, Applicant elects to prosecute the claims of Group IV (originally numbered as 65-71 and currently numbered as Claims 66-72).

Applicant provisionally elects Species 1 (channel from chamber of heart to coronary vein). However, Applicant respectfully traverses this election of species requirement on grounds that it clearly does not apply to elected Group IV. Indeed, Claims 66-71 (as renumbered) are directed to devices, not methods. The devices recited in Claims 66-71 are useable in methods according to any and all of the three "species" enumerated in the Office Action. Stated another way, elected Claims 66-71 read on devices that can be used to carry out not only the methods of the provisionally elected species (Species 1) but also the methods of the provisionally non-elected species (Species 2 and 3).

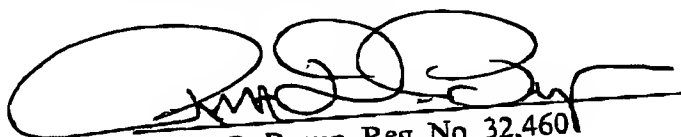
Applicant believes that the election of species requirement stated in the Office Action was intended to apply only to the claim groups that are directed to *methods*, not elected Group IV which is directed to implantable devices, as the claimed implantable devices are not specific to any of the enumerated species. On these grounds, Applicant requests that the election of species requirement be withdrawn with respect to elected claim group IV.

The Examiner is invited to contact Applicant's counsel to discuss these issues if for any reason the Examiner does not agree with Applicant's traverse of the election of species requirement.

A one (1) month extension of time is requested pursuant to 37 C.F.R. 1.136 and the Commissioner is authorized to deduct the fee for such extension of time as well as any other fees properly deemed to be due from Deposit Account No. 50-0878.

STOUT, UXA, BUYAN & MULLINS, LLP

Date: September 2, 2003


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CERTIFICATE OF FACSIMILE FILING

I certify that this document is being transmitted to the United States Patent Office by facsimile at (703)305-3579 on September 2, 2003.

Dated: September 2, 2003

By:


Sara Bogdanov, Assistant